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February 22, 2008

**By E-File**

The Honorable Gregory M. Sleet  
Chief Judge  
United States District Court  
District of Delaware  
844 North King Street  
Lock Box 19  
Wilmington, Delaware 19801

Re: Smilow v. Barrett, et al. – C.A. No. 08-cv-93-JJF  
Tobias v. Barrett, et al. – C. A. No. 08-cv-103

Dear Chief Judge Sleet:

We are co-counsel, along with Gibson, Dunn & Crutcher LLP, for defendants in the above-referenced derivative actions. The *Smilow* action has been assigned to Judge Farnan “in lieu of Vacant Judgeship” and the *Tobias* action is currently unassigned. Because plaintiffs’ civil cover sheets failed to indicate a related action, I am writing pursuant to Local Rule 3.1(b) to advise the Court of defendants’ position that the derivative actions should be considered as related to *In re Intel Corp. Microprocessor Antitrust Litigation*, MDL-05-md-01717-JJF (the “MDL Action”), which is assigned to Judge Farnan. Because the MDL Action and the derivative actions are related, we request that the derivative actions be permanently assigned to Judge Farnan. Permanent assignment of the case to Judge Farnan would also avoid “substantial duplication of labor if heard by different judges,” given his knowledge of the underlying antitrust claims.

I am available at Your Honor’s convenience should Your Honor have any questions or comments.

Respectfully,

A handwritten signature in black ink, appearing to read "Stephen C. Norman".

Stephen C. Norman (#2686)  
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cc: Clerk of the District Court (By E-File)  
The Honorable Joseph J. Farnan, Jr. (By E-File)  
Brian D. Long, Esquire (By E-File)  
Jonathan C. Dickey, Esquire (By Email)